

UNITED STATES DISTRICT COURT - DISTRICT OF NEW HAMPSHIRE

ANDRE BISASOR, Plaintiff,

v.

CRAIG S. DONAIS; RUSSELL F. HILLIARD; DONAIS LAW OFFICES, PLLC; UPTON & HATFIELD, LLP; and MARY K. DONAIS, Defendants.

Case No.1:23-cv-00374-JL

[EXPEDITED] MOTION TO CLARIFY COURT'S 10/27/23 ORDER

1. I hereby submit this motion to clarify pursuant to the court's 10/27/23 order.
2. As grounds therefor, I the Plaintiff state the following.
3. On 10/27/23, the court issued an order stating that:

ENDORSED ORDER: No pretrial conference will be scheduled until after resolution of the pending Motions to Dismiss (doc. nos. 70 & 81). Given the issues raised in the motion, the court finds good cause to extend the deadline for issuing the scheduling order pursuant to Fed. R. Civ. P. 16(b) to after the rescheduled pretrial conference. So Ordered by US Magistrate Judge Talesha Leah Saint-Marc.(ko) (Entered: 10/27/2023)

4. Because a scheduling order would inform me of the deadlines for this case and of other scheduling, tracking and procedural issues for this case, I find that I am at a loss as what to expect regarding this case without a scheduling order.
5. First, it sounds like the court is giving some priority to the disposition of the motions to dismiss. Yet, I have mentioned that I filed a motion to remand in MA federal court and that I intend to refile in this court. I am seeking clarification on whether the court intends to resolve any motion to remand prior to the motions to dismiss. I am also seeking clarification on whether the court intends to hold a hearing first on the motion to remand once filed before any hearing on a motion to dismiss.
6. Second, I am seeking clarification on what the court finds is "good cause" to extend the deadline for issuing the scheduling order, "given the issues raised in the motion". In other words, what are the issues in the motion that gives rise to this good cause. I am not sure if this means the court has already made a pre-determination that it is inclined to dismiss the case or if it means something else.
7. Third, I would like clarification on whether the court intends to hold hearing or hearings on the motion to dismiss. Also, given that the Hilliard defendants have, in their motion to dismiss, cited the Donais defendants motion to dismiss (at least in certain respects), I would like to know if the court intends to hold one hearing or two hearings on the motions to dismiss.
8. Fourth, in conjunction with the court's previous order regarding the refiling of motions that were pending in the MA federal court, it is my understanding that the deadline for refiling motions only affects the subsequent filing of a motion in this court that would be time-barred because of the time that has passed since the removal of the case to the MA federal court (such as a motion to dismiss or motion to remand),

and that otherwise, any motion that is not affected by any such rule is free to be filed for the first time after the deadline. In other words, the deadline is not a deadline to file any other motion that has grounds to be filed in this court as part of the normal process of the case or pursuant to any normal scheduling process order of a case in this court. I would clarification that my understanding is correct. I ask because I have several motions that I need to file that do not have any time limit to them. I need to be sure that I am not required to file them by today's date and that the only motion I need to refile today is the motion to remand and possibly a motion for default that were previously filed in MA federal court and were pending at the time of transfer to this court. I assume that I do not need to file by today any motion to appoint counsel, any motion for sanctions, any motion for limited discovery, any motion to strike defenses, and any other motion that I mentioned in my motion to extend time to file objection to motion to dismiss, etc., that otherwise have or would have no time limit on them.

9. Accordingly, I respectfully request that the Court grant this motion for clarification.
10. Because the court 10/27/23 order just came out today and because time is of the essence, I ask the court to issue an expedited order as soon as possible, by today if possible. Otherwise, I ask the court to allow me to file any other motion, than a motion to remand or motion to default (which I will file today), after I hear back from the court.

Respectfully submitted,
/s/ Andre Bisasor
Andre Bisasor
679 Washington Street, Suite # 8-206
Attleboro, MA 02703
T: 781-492-5675
Email: quickquantum@aol.com

October 27, 2023

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served to the defendants in this case.

/s/ Andre Bisasor
Andre Bisasor
679 Washington Street, Suite # 8-206
Attleboro, MA 02703
T: 781-492-5675
Email: quickquantum@aol.com